

The Honorable RICHARD A. JONES
U.S. Magistrate Judge MICHELLE L. PETERSON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MICHAEL ROGERS, *et al.*,

Plaintiffs,

VS.

DEPARTMENT OF CHILDREN, YOUTH
and FAMILIES (DCYF); *et al.*,

Defendants.

NO. C21-5248-RAJ-MLP

STIPULATED MOTION TO
CORRECT SCRIVENER'S ERROR
ON DKT. #92 SUBMITTED IN
ERROR ON OCTOBER 25, 2021
RE: STIPULATED MOTION TO
EXTEND TIME TO FILE
OBJECTIONS TO ORDER ISSUED
BY MAGISTRATE JUDGE
PETERSON (DKT. #91)

NOTE ON MOTION CALENDAR: OCTOBER 27, 2021

I. STIPULATION

The parties, by and through their respective attorneys of record, hereby stipulate to the following:

1. On October 25, 2021, the parties filed a stipulated motion and order that erroneously stated in the order that “*Plaintiffs*’ deadline for filing objections under FED. R. CIV. P. 72 to Dkt. #91 under the above stipulation is EXTENDED from October 26, 2021 to November 9, 2021.” The parties agree that the deadline to file such objections should be extended for both parties and that the stipulation and order submitted on October 25, 2021, should be corrected as stated herein.

STIPULATED MTN. TO CORRECT SCRIVENER'S ERROR ON DKT. #92 SUBMITTED IN ERROR ON 10/25/21 RE: STIP. MTN. TO EXTEND TIME TO FILE OBJS. TO ORDER ISSUED BY MAGISTRATE PETERSON (DKT. #91)

2. The parties agree to amend the time allowing for objections under FED. R. CIV. P. 72 to be filed regarding Magistrate Judge Peterson's Order (Dkt. #91) to accommodate Defendants' counsel's schedule during this week and next week.

3. This agreement was the product of meet-and-confer conferences occurring on October 19 and 20, 2021 that also included discussions related to ongoing discovery. Defendants need additional time to prepare and submit objections to Dkt. #91 beyond the 14 days allowed under FED. R. CIV. P. 72 for reasons that include: (1) counsel's attendance at a memorial service for a family member out of state; (2) time spent by counsel in this matter preparing for a meet-and-confer regarding discovery on October 19, 2021 requested by Plaintiffs' counsel on October 8, 2021; (3) two of counsel's absence during the week of October 25 due to vacation or CLE attendance; (4) Defendants' counsel's building will be closed during the next two weeks for renovation; and (5) counsel's preparation of a brief in the state court of appeals in another matter. Defendants' objections will not include challenges to the Court's analysis in Dkt. #91 under *Ex Parte Young*, in light of Plaintiffs' proposed amended complaint. Dkt. #91 at 9:1 to 10:15.

4. Based on the above, the deadline for filing the objections to Dkt. #91 should be extended from October 26, 2021 to November 9, 2021. Because Defendants' objections will not include further challenges under *Ex Parte Young* to Dkt. #91 at 9:1 to 10:15, Plaintiffs should proceed on their proposed amended complaint. Filing of the amended complaint should occur within 30 days of the Court's order approving the stipulation, including provisions for filing of an accurate redlined version of the amended complaint.

5. Plaintiffs maintain their position that neither this stipulation, nor any objections to be filed by Defendants, in any way limit Plaintiffs' ability to obtain discovery that they have already sought and will continue to seek going forward.

RESPECTFULLY SUBMITTED this 27th day of October, 2021.

STIPULATED MTN. TO CORRECT SCRIVENER'S ERROR ON DKT. #92 SUBMITTED IN ERROR ON 10/25/21 RE: STIP. MTN. TO EXTEND TIME TO FILE OBJS. TO ORDER ISSUED BY MAGISTRATE PETERSON (DKT. #91)

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II. ORDER

11 IT IS HEREBY ORDERED that:

- 12 1. The stipulation of the parties is APPROVED AND ADOPTED.
- 13 2. The deadline for filing objections under FED. R. CIV. P. 72 to Dkt. #91 under the
above stipulation is EXTENDED from October 26, 2021 to November 9, 2021.
- 14 3. Consistent with Dkt. #91 at 8, n. 4, Plaintiffs shall file an accurate redlined
version of their proposed amended complaint within 7 days following the entry of this Order.
- 15 4. Plaintiffs shall file their amended complaint within 30 days following the entry
of this Order.

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17 Dated this 27th day of October, 2021.



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20 MICHELLE L. PETERSON
21 United States Magistrate Judge
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Presented by:

ROBERT W. FERGUSON
Attorney General

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